

TO: EXECUTIVE
27 JANUARY 2015

USE OF SUITABLE ALTERNATIVE NATURAL GREENSPACE (SANG) LAND AT SHEPHERD MEADOWS SANDHURST BY SURREY HEATH BOROUGH COUNCIL

Director of Environment Culture and Communities

1 PURPOSE OF REPORT

- 1.1 To seek agreement to the use of existing Bracknell Forest Council owned Suitable Alternative Natural Greenspace (SANG) at Shepherd Meadows, Sandhurst to allow avoidance impact measures for sites in Surrey Heath that lie within 5km of the SANG. This will provide sufficient capacity for 500 dwellings (equivalent to 1,200 new residents) in the west of Surrey Heath Borough.

2 RECOMMENDATION(S)

2.1 That the Executive:

- (i) **authorises the Director of Environment, Culture and Communities to conclude an agreement with Surrey Heath Borough Council for land at Shepherd Meadows to serve as SANG for housing development in the Borough of Surrey Heath and,**
- (ii) **approves the setting of SANG contributions at £1,963 per person.**

3 REASONS FOR RECOMMENDATION(S)

- 3.1 The saved South East Plan Policy NRM6 states that '*authorities should cooperate and work jointly to implement mitigation measures. These may include, inter alia, assistance to those authorise with insufficient SANG land within their own boundaries...*'
- 3.2 As set out in Appendix 4 of the Thames Basin Heaths SPA Supplementary Planning Document (SPA SPD) (March 2012), Shepherd Meadows SANG has the potential to provide SPA mitigation for 3,682 persons. To date, capacity allocated to residential developments in BFC equals approximately 987 persons. The capacity proposed to be diverted to developments in Surrey Heath will provide mitigation for 1,200 persons – approximately one third of the total SANGs capacity at Shepherd Meadows.

Table 1 SANG Capacity at Shepherd Meadows

	Persons	Hectares
Total SANG capacity	3,682 persons	29.46ha
SANG capacity allocated to BFC residential developments to June 2014	987 persons	7.89ha
SANG capacity proposed to be diverted to Surrey Heath	1,200 persons (500 dwellings)	9.6ha
Remaining SANG capacity for use by small residential developments in BFC	1,495 persons (647 dwellings)	11.96ha

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- 3.3 The use of the SANG would be limited to 1,200 persons (equivalent to 500 dwellings) as agreed between the two authorities. This will allow the remainder of the SANG capacity to be used as mitigation for dwellings within BFC.
- 3.4 BFC Officers have prepared a recommended charging schedule as set out in Table 2 below. In this case, the following SANGs costs would apply and the cost would be **£1,963 per person**. Estimated total income is **£2,355,600** [1,200 persons x £1,963 per person].

Table 2 Recommended SANGs costs

Dwelling	Occupancy	SANGs costs @ £1,963 per person
1 bed	1.40	£2,748
2 bed	1.85	£3,632
3 bed	2.50	£4,908
4 bed	2.85	£5,595
5+ beds	3.70	£7,263

- 3.5 This charging rate covers the baseline maintenance costs and an implementation fee in addition to the strategic SANGs costs. It also includes a charge of £400 per occupant representing the landowner cost to BFC of the land being dedicated to Surrey Heath BC as SANG in perpetuity to enable the development of housing in Surrey Heath. This is set out more fully in paragraph 5.10 below. This level of SANG contribution falls below the £2,000 per person cost used for CIL estimates in SHBC.

4 ALTERNATIVE OPTIONS CONSIDERED

- 4.1 To agree that BFC enter into an agreement with SHBC for the use of part of the existing SANG capacity at Shepherd Meadows, Sandhurst to provide SPA avoidance measures for development of up to 600 dwellings in the west of the Borough of Surrey Heath. This option was discounted in order that sufficient SANG capacity remains to provide mitigation for residential development in Bracknell Forest.
- 4.2 Not to enter into an agreement with Surrey Heath BC.

5 SUPPORTING INFORMATION

- 5.1 The protection of the SPA is embodied in European and national guidance as set out in the European Habitats and Birds Directives and the UK Habitats Regulations. Under this legislation the Local Planning Authority is the competent authority in ensuring that no likely significant effect on the integrity of the SPA arises from development proposals. The Joint Delivery Framework for the Thames Basin Heaths SPA is the jointly agreed mechanism by which the Thames Basin Heaths local authorities will ensure that no likely significant effect on the integrity of the SPA arises from development proposals. This proposal meets the requirements of the Joint Delivery Framework.

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- 5.2 In the light of the Conservation of Habitats and Species Regulations (2010) (as amended), the Council, in agreement with Natural England, has concluded that any net increase in residential dwellings within 5km of the Thames Basin Heaths Special Protection Area (SPA) is likely to have a significant effect on the integrity of the SPA, either alone or in combination with others falling within 5km of the SPA.
- 5.3 A three-pronged approach to avoiding likely significant effects on the SPA has been agreed as follows:
- provision of Suitable Alternative Natural Greenspace (SANG) to attract people away from the SPA and hence reduce pressure on it;
 - access management and monitoring measures on, and monitoring of, the SPA to reduce the effect of people who visit the SPA; and
 - habitat management.
- 5.4 Shepherd Meadows was designated a SANG following the adoption of the Core Strategy Development Plan Document in 2008. The land must be used as SANG in perpetuity and as the land is a Site of Special Scientific Interest (SSSI) it has no development potential. The use of Shepherd Meadows SANG for developments in Bracknell Forest is somewhat restricted. The risk from this proposal to the ability to bring forward residential development in Bracknell Forest is therefore negligible. The Thames Basin Heaths Delivery Framework (2009) and the SPA SPD set catchment areas according to the size of a SANG. Larger developments (those which result in a net increase in dwellings of 10 or more) must fall within the 5km catchment area of Shepherd Meadows SANG if they are to use this SANG as SPA avoidance and mitigation. This catchment area is shown in Appendix 1. Such developments are therefore restricted to the far south of the Borough. Smaller developments (net increase of less than 10 dwellings) are not restricted by this catchment area. Therefore smaller residential developments further north in the Borough (where there is higher development pressure) have the opportunity to use this SANG as part of their SPA mitigation measures. Taking into account this proposal, there remains sufficient SANG capacity to mitigate for further Bracknell Forest developments equating to a net increase in population of approximately 1,495 persons (647 dwellings). It is extremely unlikely that this SANG capacity will be used up by Bracknell Forest developments in this plan period (to 2026) and it is anticipated that capacity will remain available to smaller developments in Bracknell Forest well into the next plan period and possibly beyond. Furthermore there are two other SANGs (Horseshoe Lake and Ambarrow Hill/Court) which also have similar catchment areas.
- 5.5 SHBC has an adopted SANG at Hawley Meadows and Blackwater Park which will allow a certain amount of development to come forward. The SANG at Hawley Meadows is almost at capacity and the site at Backwater Park is to provide avoidance measures for residential development within Camberley Town Centre.
- 5.6 However, there is still a need for additional SANG to mitigate the impacts of development in Surrey Heath if SHBC's Spatial Strategy and Core Strategy housing targets are to be met. The 5km catchment of Shepherd Meadows SANG could provide SPA mitigation for Camberley Town Centre and other areas in the west of the Borough as shown on the catchment area map at Appendix 1.
- 5.7 According to the SPA SPD paragraph 3.3.4, '*sufficient SANG should be provided in advance of dwelling occupation to ensure that there is no likely significant effect on the SPA*'. In order to comply with the Habitats Regulations, at least 9.5% of the strategic SANG contributions (£882 per person) will need to be paid in advance by SHBC to BFC in order to ensure that the site is enhanced to SANG standard in

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advance of occupation of the dwellings. This equates to £201 per dwelling. The remaining contributions would be paid on commencement of the developments. Total payments will reflect the scale of residential development granted permission by SHBC to which capacity is allocated from this SANG. The amount and frequency of payments may need to change according to permissions granted and work needed to be carried out. This reflects the approach applied at Hawley Meadows where payments are made at intervals to Hampshire County Council. BFC would report back to SHBC once yearly on how monies have been spent.

- 5.8 A legal agreement between SHBC and BFC for the use of SANG at Shepherd Meadows will need to be drawn up reflecting these issues.

Level of SANG Contributions

- 5.9 The current level of SANGs contributions in SHBC is significantly higher than in BFC. This is principally because the Council has purchased land specifically to provide SANGs. BFC currently uses Council owned land for this purpose.
- 5.10 SHBC already shares one SANG (Hawley Meadows and Blackwater Park) with Hart DC and Rushmoor BC. It is also in negotiations with Woking BC about sharing Heather Farm SANG. BFC officers took account of these agreements and discussions as well as current SANG costs in Bracknell Forest in order to calculate the level of SANG contribution to be charged to SHBC. This was worked out as follows:

Table 3 Calculation of SANG contribution for SHBC use of Shepherd Meadows SANG

	Contribution per person
BFC Strategic SANG Tariff (as set out in the Thames Basin Heaths SPA Supplementary Planning Document)	£882*
Baseline Maintenance (calculated on the basis of actual spend per hectare per annum by BFC for managing a basic Passive Open Space of Public Value prior to enhancement as a SANG)	£477*
Implementation of Projects**	£204
Landowner costs to BFC for land being dedicated to SHBC for use as SANG in perpetuity	£400
Total	£1,963

* These costs are applied in BFC existing SPA avoidance and mitigation strategy.

**15% of the strategic SANG tariff and the baseline maintenance

- 5.11 The management of Shepherd Meadows as a SANG will be entirely funded through developer contributions at no cost to BFC. BFC as the landowners and managers will act as the fund administrators. SHBC will pay developer contributions or CIL payments collected towards this site to BFC at regular intervals. Provided that the level of SANGs contributions are set as recommended above, there are no additional resource implications arising from this work. Should temporary staff or consultants be needed to support delivery of site improvement works, these costs can be met within the strategic SANG tariff of £882.

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- 5.12 The tariff for the use of Shepherd Meadows SANG does not include the figure agreed by the Thames Basin Heaths Joint Strategic Partnership (JSPB) for access wardening and monitoring of the SPA itself - the Strategic Access Management and Monitoring (SAMM) contribution. This is collected separately by the individual planning authorities and will not form part of the SANG payment to be made to BFC. SHBC will be responsible for collecting the SAMM contributions for its developments.

Expenditure of SANG contributions

- 5.13 BFC would be required to spend £1,563 of the (per person) SANG contributions received from SHBC on the following:
- Enhancement works (to bring the site up to SANG standard in advance of occupation of the dwellings);
 - Annual maintenance in perpetuity (ongoing maintenance of the SANG for a period of 125 years);
 - Administration and education (associated administration and promotional / educational material; and,
 - Facilitation (expenditure required to forward plan and deliver the avoidance and mitigation measures, such as extra staff time or increase staffing).
- 5.14 The charge of £400 per occupant (representing the landowner cost to BFC of the land being dedicated to Surrey Heath BC as SANG in perpetuity) would not need to be restricted to use for SPA purposes.
- 5.15 More detailed information is contained in the Supplementary Information Document at Appendix 3 to this report which covers the following:
- Timescales;
 - Impacts on house building in Bracknell Forest after 2026;
 - SANG capacity at TRL and Broadmoor;
 - Improvements to Shepherds Meadow;
 - Income and revenue Costs;
 - The Duty to Cooperate; and,
 - Map showing the SANGs catchments and planning constraints.

6 ADVICE RECEIVED FROM STATUTORY AND OTHER OFFICERS

Borough Solicitor

- 6.1 Nothing to add to the report.

Borough Treasurer

- 6.2 With reference to Table 3 above, the breakdown of the £1,963 per person charge reflects the £882 that the Council would have received from developers had this area of land been used as a SANG for Bracknell Forest and will fund the costs associated with this. The £477 (if 1,200 properties were built and mitigated by this area of land £572,000 would be received) is to fund the baseline cost of maintaining this area of land in perpetuity, which is currently funded by the Council. This will manifest itself as a budget saving to the Council. The £204 (£245,000) implementation fee could fund staffing costs currently funded by the Council. The £400 (£480,000) could be used for any purposes by the Council.

Equalities Impact Assessment

- 6.3 The Equalities Impact Assessment is contained in Appendix 2 of this report

Strategic Risk Management Issues

- 6.4 The risks most relevant to the Council are detailed at section 5.4 above.

7 CONSULTATION

Principal Groups Consulted

- 7.1 An informal discussion on this paper was held at the SPA Board Meeting in June. Natural England has been consulted on the proposals and has no objection to them.

Background Papers

Thames Basin Heaths SPA Joint Delivery Framework (2009)

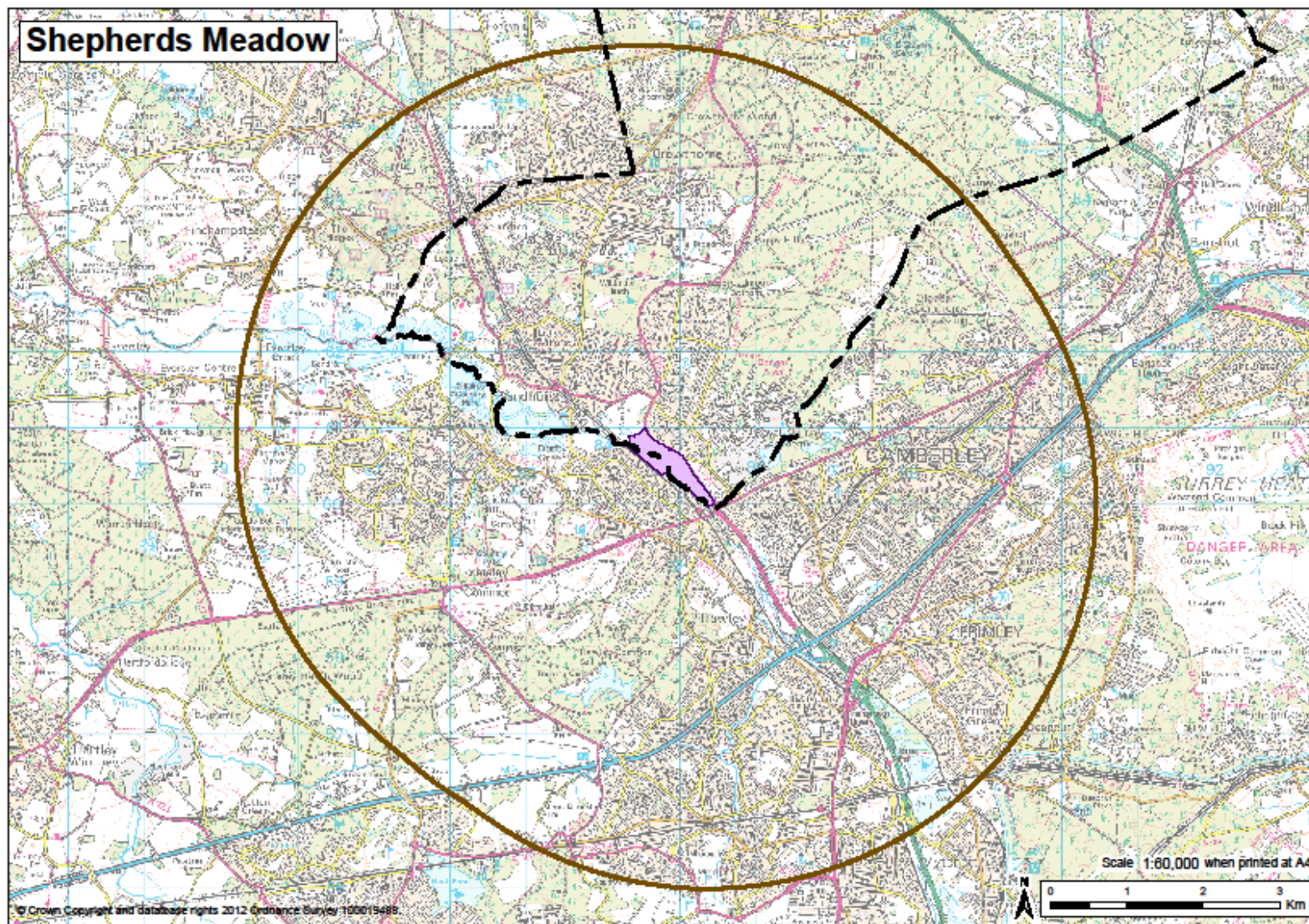
Thames Basin Heaths SPA Supplementary Planning Document (SPA SPD) (March 2012)

Contact for further information

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Appendix 1 Shepherds Meadow SANG 5km Catchment



Initial Equalities Screening Record Form

Appendix 2

Date of Screening: 17/09/14	Directorate: Environment, Culture and Communities		Section: Spatial Policy
1. Activity to be assessed	Use of suitable alternative natural greenspace (SANG) land at Shepherds Meadow Sandhurst by Surrey Heath Borough Council		
2. What is the activity?	<input type="checkbox"/> Policy/strategy <input type="checkbox"/> Function/procedure <input checked="" type="checkbox"/> Project <input type="checkbox"/> Review <input type="checkbox"/> Service <input type="checkbox"/> Organisational change		
3. Is it a new or existing activity?	<input checked="" type="checkbox"/> New There is an existing SANG at Shepherds Meadow but the proposal for Surrey Heath BC to use part of the SANG capacity is new.		
4. Officer responsible for the screening	Julie Gil – Senior Environmental Policy Officer		
5. Who are the members of the screening team?	Max Baker – Head of Spatial Policy, Simon Cridland – Team Manager, Julie Gil – Senior Environmental Policy Officer		
6. What is the purpose of the activity?	The main purpose of this activity is to allow Surrey Heath BC to use part of the SANG capacity at one of Bracknell Forest's existing SANGs in order to provide Thames Basin Heaths Special Protection Area (SPA) mitigation for 500 new dwellings in the borough of Surrey Heath.		
7. Who is the activity designed to benefit/target?	It will allow housing developers in Surrey Heath to contribute towards a SANG thereby providing SPA mitigation. This will help them obtain planning permission from Surrey Heath BC on SPA grounds. Surrey Heath Council will benefit by facilitating housing development and BFC will benefit by making budget savings.		
Protected Characteristics	Please tick yes or no	Is there an impact? As detailed below	What evidence do you have to support this? E.g equality monitoring data, consultation results, customer satisfaction information etc Please add a narrative to justify your claims around impacts and describe the analysis and interpretation of evidence to support your conclusion as this will inform members decision making, include consultation results/satisfaction information/equality monitoring data
8. Disability Equality		N There are no issues that relate specifically to disability equality.	The proposal will not have an impact on disability equality as it will not affect the amount or type of housing coming forward in Bracknell Forest. Shepherds Meadow SANG is already used as SPA mitigation for housing developments in Bracknell Forest. Due to its 5km catchment however, the SANG is mostly used for

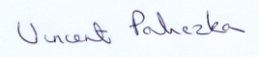
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				housing developments of 9 dwellings or less throughout the borough. It is extremely unlikely that this SANG capacity will be used up by Bracknell Forest developments in this plan period (to 2026) and it is anticipated that SANG capacity will remain available to developments in Bracknell Forest well into the next plan period and possibly beyond. Furthermore there are two other SANGs (Horseshoe Lake and Ambarrow Hill/Court) which also have similar catchment areas.
9. Racial equality		N	There are no issues that relate specifically to racial equality.	There are not considered to be any issues that can impact specifically on racial equality as a result of this proposal.
10. Gender equality		N	There are no issues that relate specifically to gender equality	There are not considered to be any issues that can impact specifically on gender equality as a result of this proposal.
11. Sexual orientation equality		N	There are no issues that relate specifically to sexual orientation equality	There are not considered to be any issues that can impact specifically on sexual orientation equality as a result of this proposal.
12. Gender re-assignment		N	There are no issues that relate specifically to gender re-assignment equality	There are not considered to be any issues that can impact specifically on gender re-assignment equality as a result of this proposal.
13. Age equality		N	There are no issues that relate specifically to age equality.	There are not considered to be any issues that can impact specifically on age equality as a result of this proposal.
14. Religion and belief equality		N	There are no issues that relate specifically to religion and belief equality	There are not considered to be any issues that can impact specifically on religion and belief equality as a result of this proposal.
15. Pregnancy and maternity equality		N	There are no issues that relate specifically to pregnancy and maternity equality.	There are not considered to be any issues that can impact specifically on pregnancy and maternity equality as a result of this proposal.
16. Marriage and civil partnership equality		N	There are no issues that relate specifically to marriage and civil partnership equality.	There are not considered to be any issues that can impact specifically on marriage and civil partnership equality as a result of this proposal.

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<p>17. Please give details of any other potential impacts on any other group (e.g. those on lower incomes/carers/ex-offenders, armed forces communities) and on promoting good community relations.</p>	<p>Developer contributions and other avoidance and mitigation measures are required to meet the Conservation of Species and Habitats Regulations 2010. These increased costs to the developer have the potential to be passed on to the house buyer, thereby possibly affecting these on lower incomes.</p>		
<p>18. If an adverse/negative impact has been identified can it be justified on grounds of promoting equality of opportunity for one group or for any other reason?</p>	<p>Yes – it can be justified. SPA avoidance and mitigation measures are required to meet the Conservation of Species and Habitats Regulations 2010 and are in line with agreed Thames Basin Heaths Special Protection Area policies at the regional level. Without such mitigation, local authorities would be unable to grant planning permission for a significant amount of housing in the local area. This would lead to a lack of availability of housing in general with other potential impacts on the community.</p>		
<p>19. If there is any difference in the impact of the activity when considered for each of the equality groups listed in 8 – 14 above; how significant is the difference in terms of its nature and the number of people likely to be affected?</p>	<p>n/a</p>		
<p>20. Could the impact constitute unlawful discrimination in relation to any of the Equality Duties?</p>		<p>N</p>	
<p>21. What further information or data is required to better understand the impact? Where and how can that information be obtained?</p>	<p>None</p>		
<p>22. On the basis of sections 7 – 17 above is a full impact assessment required?</p>		<p>N</p>	
<p>23. If a full impact assessment is not required; what actions will you take to reduce or remove any potential differential/adverse impact, to further promote equality of opportunity through this activity or to obtain further information or data? Please complete the action plan in full, adding more rows as needed.</p>			
<p>Action</p>	<p>Timescale</p>	<p>Person Responsible</p>	<p>Milestone/Success Criteria</p>

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24. Which service, business or work plan will these actions be included in?	
25. Please list the current actions undertaken to advance equality or examples of good practice identified as part of the screening?	n/a
26. Chief Officers signature.	Signature:  Date: 29/09/14

When complete please send to abby.thomas@bracknell-forest.gov.uk for publication on the Council's website.